

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
Nashville Division**

L.W., by and through her parents and next friends Samantha Williams and Brian Williams; SAMANTHA WILLIAMS; BRIAN WILLIAMS; JOHN DOE, by and through his parents and next friends, Jane Doe and James Doe; JANE DOE; JAMES DOE; RYAN ROE, by and through his parent and next friend, Rebecca Roe; REBECCA ROE; and SUSAN N. LACY, on behalf of herself and her patients,

Plaintiffs,

v.

JONATHAN SKRMETTI, in his official capacity as the Tennessee Attorney General and Reporter; TENNESSEE DEPARTMENT OF HEALTH; RALPH ALVARADO, in his official capacity as the Commissioner of the Tennessee Department of Health; TENNESSEE BOARD OF MEDICAL EXAMINERS; MELANIE BLAKE, in her official capacity as the President of the Tennessee Board of Medical Examiners; STEPHEN LOYD, in his official capacity as Vice President of the Tennessee Board of Medical Examiners; RANDALL E. PEARSON, PHYLLIS E. MILLER, SAMANTHA MCLERRAN, KEITH G. ANDERSON, DEBORAH CHRISTIANSEN, JOHN W. HALE, JOHN J. MCGRAW, ROBERT ELLIS, JAMES DIAZ-BARRIGA, and JENNIFER CLAXTON, in their official capacities as members of the Tennessee Board of Medical Examiners; and LOGAN GRANT, in his official capacity as the Executive Director of the Tennessee Health Facilities Commission,

Defendants.

Civil No. 3:23-cv-00376

District Judge Eli J. Richardson

Magistrate Judge Alistair Newbern

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs hereby respectfully move the Court to enter a preliminary injunction that restrains Defendants and any successors to Defendants from enforcing any provision of Senate Bill 1, codified at Tenn. Code Ann. § 68-33-101, *et seq.*, (the “Health Care Ban”) during the pendency of this litigation.

In support of this Motion, Plaintiffs submit the declarations of Plaintiffs L.W., Samantha Williams, John Doe, Jane Doe, Ryan Roe, Rebecca Roe, and Susan N. Lacy, MD, FACOG; the expert declarations of Deanna Adkins, MD, Armand H. Matheny Antommara, MD, PhD, FAAP, HEC-C, Aron Janssen, M.D., and Jack Turban, M.D.; a Memorandum of Law in Support of Plaintiffs’ Motion for a Preliminary Injunction; and the text of the Health Care Ban.

Plaintiffs’ Memorandum of Law in Support of the Motion demonstrates that Plaintiffs are likely to prevail on the merits of their claims, a preliminary injunction is necessary to prevent irreparable harm to Plaintiffs, and such a preliminary injunction is in the public interest.

Plaintiffs respectfully request that the Court exercise its discretion and waive any bond requirement in this case because Defendants are unlikely to sustain any costs or damages as the result of a preliminary injunction. *See Moltan Co. v. Eagle-Picher Indus., Inc.*, 55 F.3d 1171, 1176 (6th Cir. 1995) (“the rule in our circuit has long been that the district court possesses discretion over whether to require the posting of security”); *FemHealth USA, Inc. v. City of Mount Juliet*, 458 F. Supp. 3d 777, 805 (M.D. Tenn. 2020); *Bay Cnty. Dem. Party v. Land*, 347 F. Supp. 2d (E.D. Mich. 2004).

Plaintiffs request oral argument and believe it would be helpful to the Court when considering the issues raised by the motion. Under Local Rule 7.01(a)(3), briefing should be concluded within twenty-one days after service of the motion papers, unless otherwise ordered by

the Court. Plaintiffs are mindful that the Health Care Ban is effective as of July 1, 2023. Plaintiffs accordingly ask that the Court set oral argument as soon as possible after the conclusion of briefing.

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Dated: April 21, 2023

Respectfully submitted,

s/ Stella Yarbrough

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**motions to appear pro hac vice pending*
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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on April 21, 2023, a true and correct copy of the foregoing has been served on all defendants via in-person service on the Tennessee Attorney General at the following address:

500 Dr MLK Jr Blvd
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s/ Stella Yarbrough

Stella Yarbrough